

AMENDMENTS TO DRAWINGS

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1. In Figure 1, previously omitted element 8 has been added.

Attachments: Replacement Sheet

Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Claim Objections

In the Office Action, Examiner objects to claim 12 as being indefinite. Applicants have amended claim 12 to eliminate the terminology deemed to be indefinite and to use proper form for a Markush claim. These amendments are should not be construed in a manner that would further limit the claims. Applicant respectfully requests that the objection to claim 12 be withdrawn.

Claim Rejections Under 35 U.S.C. §102

In the Office Action, Examiner rejects claims 1-5, 9 and 11 under 35 U.S.C. §102(b) as being anticipated by US Patent 6,672,385 to Kilaas (hereafter Kilaas). Applicant respectfully submits that Kilaas does not disclose each and every element of the claimed invention.

To more particularly point out one embodiment of the invention, Applicant has canceled claim 5 and added the limitations from previous claim 5 to claim. The limitation that the swellable material extends around the perforated tubular conduit distinguishes claim 1 from Kilaas. In Kilaas, the swellable material extends around the filter layer, but does not extend around the perforated tubular conduit. See Figure 6 and column 4, lines 36-39. Claims 2-5, 9 and 11 depend from claim 1 and merely add additional element. Applicant respectfully requests that the rejection of claims 1-5, 9 and 11 under 35 U.S.C. §102(b) be withdrawn and the claims formally allowed at this time.

Claim Rejections under 35 U.S.C. §103

In the Office Action, Examiner rejects claims 6-8 and 10 under 35 U.S.C. §103(a) as being unpatentable over Kilaas in view of various references. Examiner has failed to provide a prima facie basis for rejection under 35 U.S.C. §

103(a) because the references do not disclose all the limitations of the claimed invention.

MPEP §2143.03 states:

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

With respect to claim 1, Applicant respectfully submits that the references do not disclose limitation that the swelleable material extends around the perforated tubular conduit. This is not an obvious modification of Kilaas because during flow of fluid from the earth formation into the wellbore, a pressure difference exists between the outside and the inside of the sleeve, whereby the pressure at the outside of the sleeve is larger than at the inside. When the fluid passages close due to water flowing into the wellbore, the sleeve is subject to a net radially inward force acting to bias the sleeve away from the screen. In Kilaas, the sleeve may become detached from the filter layer due to such net radially inward force. Detachment of the sleeve from the filter layer leads to improper functioning of the wellbore device. Applicant respectfully requests that the rejection of claims 6-8 and 10 under 35 U.S.C. §103(b) be withdrawn and the claims formally allowed at this time.

Conclusion

Applicant has addressed each and every objection and ground for rejection. The amended claims are patentable over the cited art and Applicant requests that the application be allowed. In the event the Examiner has any questions or there are any issues with respect to the application, the Examiner is invited to call the undersigned at the telephone number below prior to the issuance of any written action.

Respectfully submitted,
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